

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARL HUTTO, #148 575

*

Plaintiff,

*

v.

*

2:06-CV-328-WKW

TERRANCE ROSE, *et al.*,

*

Defendants.

*

ORDER

For good cause, it is

ORDERED that the court's September 13, 2006 Order to Show Cause be and is hereby VACATED inasmuch as such order inadvertently indicated that the court had legal evidence of service on Defendant McWhorter. The court file fails to show that Defendant McWhorter has been properly served with the complaint in accordance with Rule 4, *Federal Rules of Civil Procedure*.

Done this 17th day of October 2006.

/s/ Vanzetta Penn McPherson
VANZETTA PENN MCPHERSON
UNITED STATES MAGISTRATE JUDGE

